

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE ANTHONY LAMAR GARLINGTON : CIVIL ACTION

v. :

DEPUTY GEORGE PATRICK, et al. : NO. 06-cv-3989

ORDER

AND NOW, this 9th day of October, 2007, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, to which no objections have been filed, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for writ of habeas corpus is DENIED.
2. There is no basis for the issuance of a certificate of appealability.

AND IT IS SO ORDERED.

/s Paul S. Diamond

Paul S. Diamond, J.